IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 32911 of 2007(R)

PETITIONER:

VIJAYAN M.IYER, S/O. LATE RAMANATHA IYER,
AGED 58, MADATHIL HOUSE, P.O.PAVARATTY,
THRISSUR-680 507.

BY ADV. SMT.K.NANDINI

RESPONDENTS:
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1. THE DEPUTY COMMISSIONER,
THE HINDU RELIGIOUS & CHARITABLE ENDORSEMENTS
(HR & CE)(E) (ADMINISTRATION) DEPARTMENT,
CALICUT.

2. THE COMMISSIONER,
HR & CE BOARD, CALICUT.

3. PUTHIL SURENDRAN @ P.SURENDRANATH,
S/O. THONDIL NARAYANAN NAIR, SOWGANDIKA,
ADAT P.O., TRICHUR DISTRICT.

4. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY, REVENUE & DEVASWOM
DEPARTMENT, THIRUVANANTHAPURAM.

5. THE EXECUTIVE OFFICER,
ARUTHAYUR DEVASWOM, P.O.MARUTHAYUR, PAVARATTY,
TRICHUR DISTRICT, PIN-680 507.

BY GOVERNMENT PLEADER SRI.K.SANDESH RAJA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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W.P.(C)No.32911 OF 2007

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Dated this the 7th day of November, 2007

JUDGMENT

Radhakrishnan, J

This writ petition is filed by the petitioner who is the stepson and one of the legal heirs of deceased Ammukutty Amma and challenges Ext.P13 order of the second respondent. The matter is pertaining to the hereditary trusteeship of Ammukutty Amma at Maruthayur Sree Durga Devi Temple, Trichur District. Ammukutty Amma filed an O.A.23/04 before the first respondent/Deputy Commissioner for a declaration that she is the hereditary trustee. 1st respondent passed an order in the said O.A. on 15.01.05 declaring her as the hereditary trustee. 3rd respondent challenged the trusteeship of Ammukutty Amma, though he has no legal right. The 2nd respondent Ammukutty Amma passed away, pending dispute. On 15.3.2006, the first respondent passed Ext.P5 order in O.A.23/04 which was remanded to him by the 2nd respondent, holding that the 3rd respondent is the hereditary trustee of the Marthuayur Shri Durga Devi temple. Petitioner herein preferred an appeal No.A.P.9/06 before the 2nd respondent for securing the hereditary right on the Nariamkottu

Tarwad. Second respondent dismissed A.P.9/06 holding that Sri.M.Vijayan Iyer cannot claim any right to trusteeship by any means. He is the son of Smt.Ammukutty Amma's husband in another wedlock who follows Mithakshara School thoughts. He has no connection with nariyankottu family nor a member of that family and has no locus-standi even to file this petition as already found by the Deputy Commissioner. Admittedly Thekkedath tharavad has got hereditary right to Sri.Durgadevi temple, Maruthayur. First respondent belong to that family in the absence of contra evidence. Puthil Thekkedath is the name usually known to this family and the first respondent's house is known as Puthil which is the other name of Thekkedath tharavad.

Considering the entire facts and circumstances of the case, we are not inclined to interfere with the order passed by the Commissioner. Therefore, this petition lacks merit and is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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